APPENDIX.

ACT 5149 DEERING'S GENERAL LAWS (Stats. 1931)

Act 5149. Liability for Personal Injuries or Property Damages Resulting from the Defective or Dangerous Condition of Public Streets, etc. (Stats. 1931, p. 2475.)

An act relating to the liability in damages of municipalities, counties, cities and counties, and school districts, in the case of injuries to persons or property resulting from the defective or dangerous condition of public streets, highways, bridges, buildings, works or property; prescribing the duties of the officers thereof in such cases, and authorizing such public or quasi-public corporations to take out and pay for insurance to protect them against such liability.

Sec. 1. *Claim for damages suffered on public property.** Whenever it is claimed that any person has been injured or any property damaged as a result of the dangerous or defective condition of any public street, highway, building, park, grounds, works, or property, a verified claim for damages shall be presented in writing and filed with the clerk or secretary of the legislative body of the municipality, county, city and county, or school district, as the case may be, within ninety days after such accident has occurred. Such claim shall specify the name and address of the claimant, the date and place of the accident and the extent of the injuries or damages received.

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*(Titles to sections are Editor's notes and not part of Act. *Kahrs v. City of Los Angeles,* 28 Cal. App. (2d) 46; 82 Pac. (2d) 29.)

Sec. 2. *Duty of attorney for municipality, etc.** Whenever any suit for damages is brought against any municipality, county, city and county, or school district on account of injuries to persons or property, alleged to have been received as a result of the dangerous or defective condition, of any public streets, highway, building, park, grounds, works or property, it shall be the duty of the attorney for such municipality, county, city and county, or school district, as the case may be, to act as counsel in defense of such suit, unless lawful provision has been made for the employment of other counsel in connection therewith; and the fees and expenses involved therein shall be a lawful charge against such municipality, county, city and county, or school district, as the case may be.

Sec. 3. *Municipalities, etc., may insure.** Municipalities, counties, cities and counties, or school districts, may insure against any liability, other than a liability which may be insured against under the provisions of the workmen's compensation insurance and safety act, or under the workmen's compensation insurance and safety act of 1917, for injuries or damages resulting from the dangerous or defective condition of public streets, highways, buildings, parks, grounds, works and property, either by self-insurance, or in any insurance company authorized to transact the business of such insurance in the state of California; and the premium for such insurance shall be a proper charge against the public treasury of such municipality, county, city and county, or school district, as the case may be.

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*(Titles to sections are Editor's notes and not part of Act. *Kahrs v. City of Los Angeles,* 28 Cal. App. (2d) 46; 82 Pac. (2d) 29.)

Sec. 4. *Payment or compromise of claims.** In any case where legal liability is admitted or disputed the municipality, county, city and county, or school district may pay any bona fide claim or compromise any such disputed claim out of public funds, provided that in any such compromise the district attorney, city attorney, county counsel, or attorney having charge of such matters approves the terms of such compromise.

Sec. 5. *Definitions.* Wherever the words "person" or "public" are used in this act, such words shall be deemed to include any pupil attending the public schools of any school or high school district.

DEERING'S POLITICAL CODE OF CALIFORNIA, *Section 4075.*

Sec. 4075. *Itemization of claims: Unitemized claim not to be considered: Notice to itemize and reverify claim: Presentation of claims: No suit before claim presented and rejected: Details of claim not founded upon contract.* The board of supervisors must not hear or consider any claim in favor of any public officer, person, corporation, company, or association against the county, nor shall the board credit or allow any claim or bill against the county or district fund, unless the same be itemized, giving names, dates and particular service rendered, character of process served, upon whom, distance traveled, where and when character of work done, number of days engaged, supplies or materials furnished, to whom, and quantity and price paid therefor, duly verified to be correct, and that the amount claimed is justly due, and is

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*(Titles to sections are Editor's notes and not part of Act. *Kahrs v. City of Los Angeles,* 28 Cal. App. (2d) 46; 82 Pac. (2d) 29.)

presented and filed with the clerk of the board, or with the auditor, according to the procedure prescribed for the particular county, within a year after the last item of the account or claim accrued. If, in case of any claim which requires itemizing, the board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact and give time to have the claim itemized and reverified; provided that the verification of claims may be dispensed with as provided in section 4076 of this code.

Presentation of claims. All claims against any county or against any public officer in his official capacity payable out of any public fund under the control of the board of supervisors, whether such claim be founded upon contract, express or implied, or upon any act of omission of the county or any officer or employee thereof, or of any district or public entity the funds of which are controlled by the board of supervisors, or of any officer or employees of any such district or public entity, shall be presented to the board of supervisors as herein provided before any suit may be brought on any such claim, and no suit shall be brought on any such claim until said claim has been presented as herein provided, and rejected in whole or in part. In presenting any claim not founded upon contract full details as to the nature of the claim, the time and place when and where it arose, the public property and public officers or employees alleged to be at fault, the nature, extent and amount of the injury or damage claimed, and all other details necessary to a full consideration of the merit and legality of such claim shall be stated in writing signed by the claimant or someone authorized by him, and in all other respects such claims shall be presented and acted upon in the same manner as claims

founded upon contracts. (Added by Stats. 1907, p. 379; Amended by Stats. 1913, p. 835; Stats. 1915, p. 1185; Stats. 1931, p. 197.)

DEERING'S POLITICAL CODE OF CALIFORNIA, *Section 4078.*

Sec. 4078. *Failure to allow or reject claim for ninety days equivalent to rejection: Suit on rejected or partially allowed claim; Limitation of action; Judgment, allowance and payment of claim on presentation of copy.* If the board refuse or neglect to allow or reject a claim or demand for ninety days after the same has been filed with the clerk, such refusal or neglect may, at the option of the claimant, be deemed equivalent to a final action and rejection on the ninetieth day, and a claimant dissatisfied with the rejection of his claim or demand, or with the amount allowed him on his account, may sue the county therefor at any time within six months after the final action of the board, but not afterward, and if, in such action, judgment is recovered for more than the board allowed, on presentation of a certified copy of the judgment, the board must allow and pay the same, together with the costs adjudged; but if no more is recovered than the board allowed, the board must pay the claimant no more than was originally allowed. (Added by Stats. 1907, p. 381.)

DEERING'S CODE OF CIVIL PROCEDURE OF CALIFORNIA

Sec. 342. Within six months: Actions on claims against county. Actions on claims against a county, which have been rejected by the board of supervisors, must be commenced within six months after the first rejection thereof by such board. (Enacted 1872.)

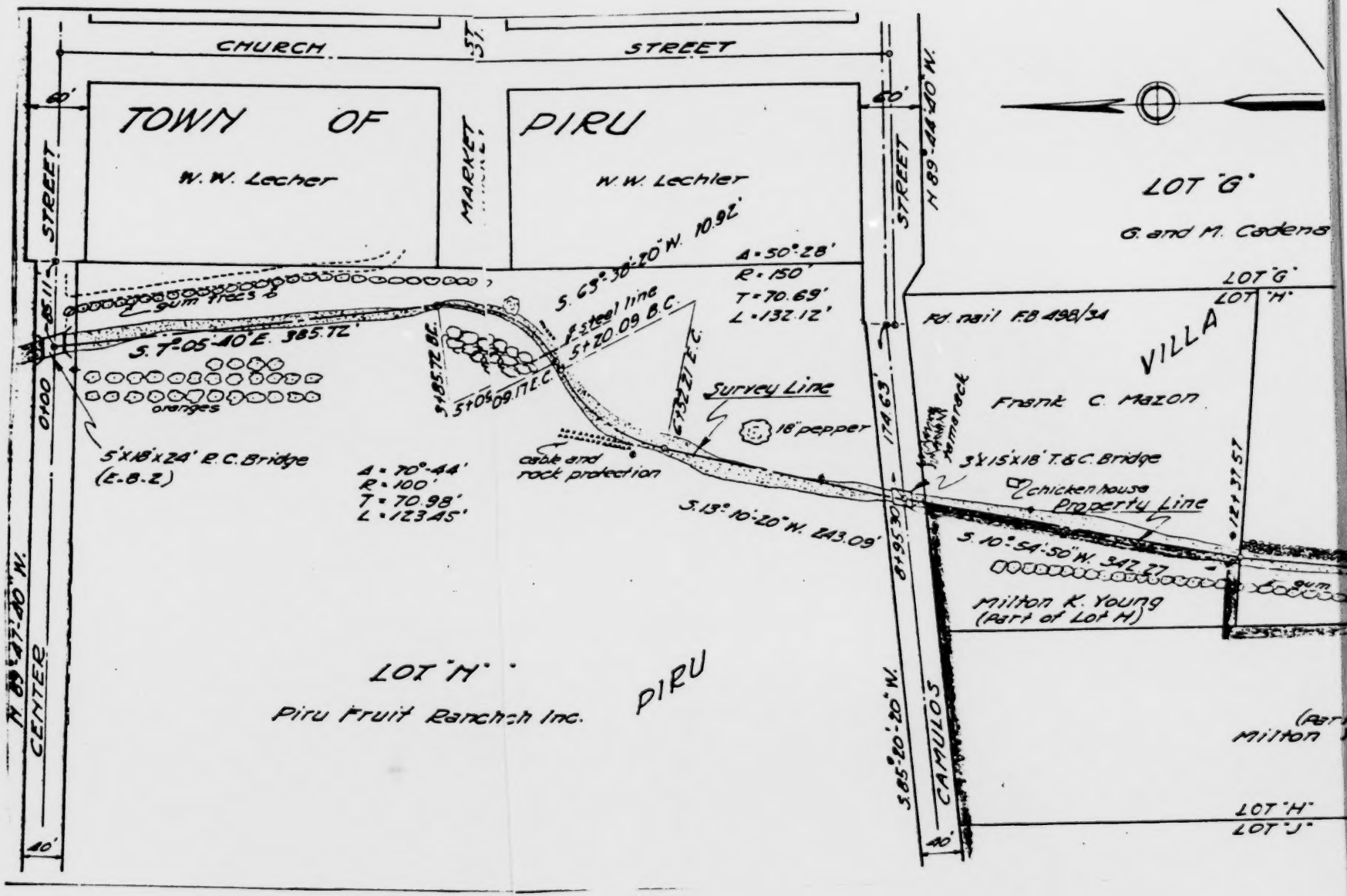
TREADWELL'S CONSTITUTION OF CALIFORNIA
ARTICLE I

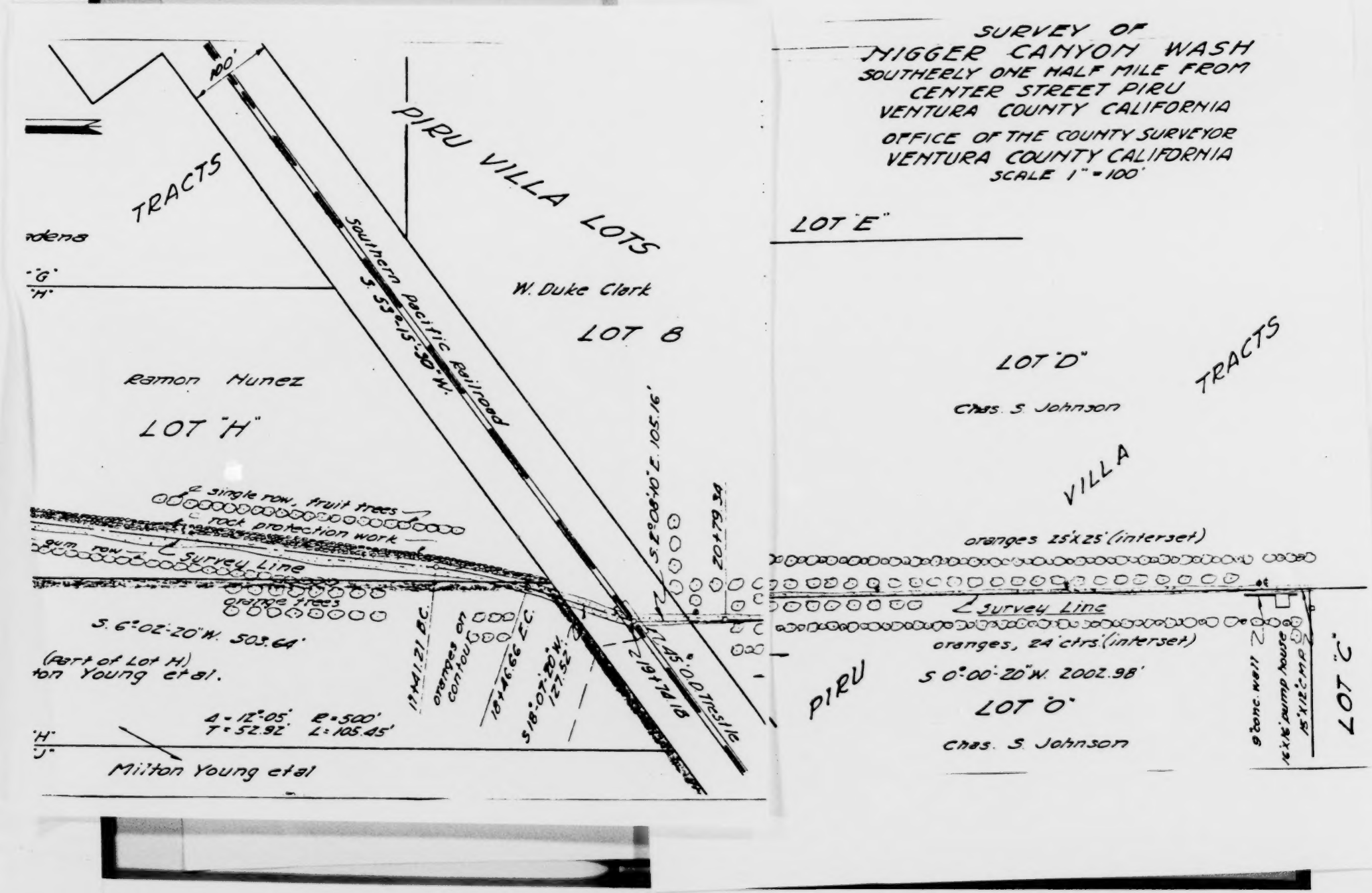
Sec. 13. Personal and property rights. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law. The legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

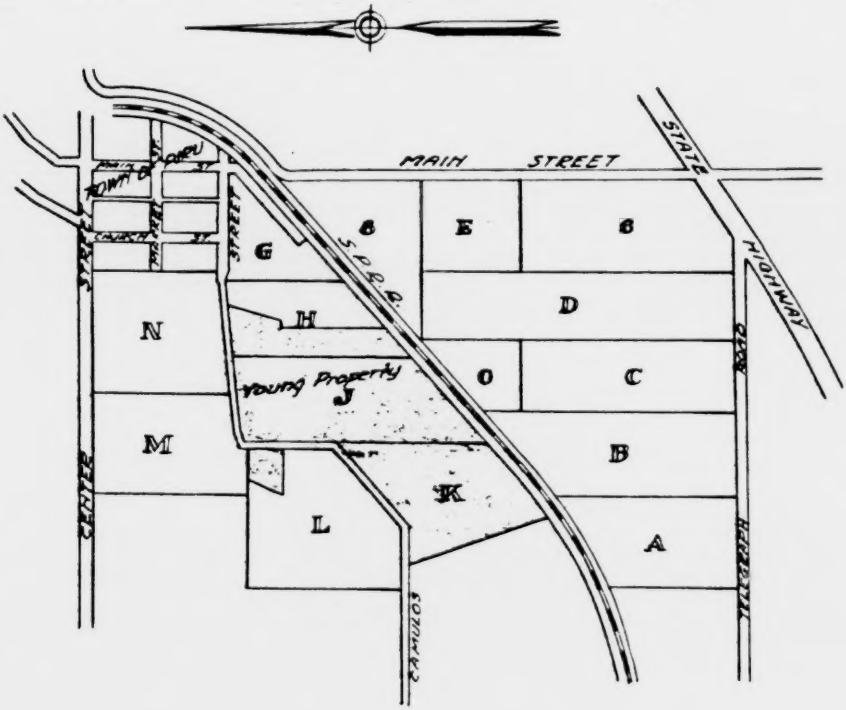
TREADWELL'S CONSTITUTION OF CALIFORNIA
ARTICLE I

Sec. 14. Eminent Domain. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation, except a municipal corporation or a county or the state until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in an action

in eminent domain brought by the state, or a county, or a municipal corporation, or a drainage, irrigation, levee, or reclamation district, the aforesaid state or political subdivision thereof or district may take immediate possession and use of any right of way required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained acocrding to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier. (Amendment adopted November 6, 1928.)


CHURCH
STREET
TOWN OF
W. W. Lecher
MARKET ST.
PIRU
W. W. Lechler
40'
STREET
N 89°-44'-40" W.
LOT "G"
G. and M. Cadena
LOT "H"
Rd. nail F.B. 498/34
VILLA
Frank C. Mazon
S. 63°-30'-20" W. 10.92'
A = 50°-28'
R = 150'
T = 70.69'
L = 132.12'
gum trees
S. 7°-05'-10" E. 385.72'
oranges
5'x18'x24' R.C. Bridge
(L.B.Z.)
A = 70°-44'
R = 100'
T = 70.98'
L = 123.45'
cable and rock protection
Survey Line
18" pepper
3'x15'x18' T.&C. Bridge
chicken house
Property Line
S. 10°-54'-50" W. 347.27'
Milton K. Young
(part of Lot H)
LOT "H"
Piru Fruit Ranch Inc.
PIRU
CENTER
CAMULOS
S 85°-20'-20" W.
LOT "H"
LOT "J"


SURVEY OF
NIGGER CANYON WASH
SOUTHERLY ONE HALF MILE FROM
CENTER STREET PIRU
VENTURA COUNTY CALIFORNIA
OFFICE OF THE COUNTY SURVEYOR
VENTURA COUNTY CALIFORNIA
SCALE 1" = 100'
100'
TRACTS
PIRU VILLA LOTS
Southern Pacific Railroad
S. 53°15'30" W.
W. Duke Clark
LOT B
LOT "E"
LOT "D"
Chas. S. Johnson
Ramon Nunez
LOT "H"
"G"
"H"
2 single row, fruit trees
rock protection work
gum row
℄ survey Line
orange trees
S. 6°02'20" W. 503.64'
(Part of Lot H)
ton Young et al.
Δ = 12°05'
T = 52.92'
R = 500'
L = 105.45'
"H"
"J"
Milton Young et al
11+41.21 B.C.
oranges on contour
10+46.66 E.C.
S 18°07'20" W.
127.52'
S 71°08'10" E. 105.16'
20+79.34
45.00' Trestle
19+74.18
oranges 25'x25' (interset)
℄ survey Line
oranges, 24' ctrs (interset)
S 0°00'20" W. 2002.98'
LOT "D"
PIRU
VILLA
TRACTS
9' conc. well
16'x16' pump house
15'x12' camp
LOT "C"



Map of a portion of
PIRU VILLA TRACTS
and a portion of
PIRU VILLA LOTS
VENTURA COUNTY CALIFORNIA
Scale 1" = 800'